REMARKS

Claims 1-13, 15-29, and 31-51 were presented for examination and were pending in this application. In an Official Action dated May 19, 2005, claims 1-13, 15-29, and 31-51 were rejected. Claim 51 also was objected to, and the Examiner's suggested correction has been made.

For the reasons discussed herein, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and withdraw them.

SUBSTANCE OF INTERVIEW

Applicants thank the Examiner for his time in conducting a telephone interview on August 17, 2005. During the telephone interview, Applicants' attorneys and the Examiner discussed claim 1 and the outstanding rejection under 35 U.S.C. § 103(a) in light of the combination of McDonald 6,211,781 ("McDonald") and Jansen 6,243,450 ("Jansen").

Agreement was reached during the interview that the cited references do not disclose the element of charging users of a supply chain a "fee dependent on the number of tracked goods." In addition, the Examiner indicated the portion of the McDonald reference in which he believes "compensati[ng] for missing information by using a previous tag read and a current tag read" is discussed.

Response to Rejection Under 35 USC 103(a)

The Examiner rejects claims 1-13, 15-29, and 31-51 under 35 USC § 103(a) as allegedly being unpatentable over McDonald and Jansen. This rejection is respectfully traversed.

Claims 1, 17, 33, 36, 39, 42, 45, and 46 respectively describe a method, program storage device method, and system for the real-time tracking of goods in a supply chain, including charging users of said supply chain a fee dependent on the number of tracked goods

11

or on the number of transactions including a read of a tag on a good. McDonald, as presently understood, discloses tracking moveable articles using tag readers, but as the Examiner correctly notes, McDonald does not disclose at least charging users a fee.

Jansen does not remedy this shortcoming of McDonald. Jansen, as currently understood, merely discloses pay-per-use networked-based multimedia services based on cost per unit time. Jansen does not disclose or suggest at least charging users of a supply chain a fee dependent on the number of tracked goods, as required by claims 1, 33, 39, and 45. Likewise, Jansen does not disclose charging users a "fee per transaction...each transaction including a single tag read" as required by claims 17, 36, 42, and 46. Thus, even assuming *arguendo* that the references can be combined in the manner suggested by the Examiner, the combination does not include all limitations required by the independent claims.

In addition, all independent claims require a limitation including compensating for missing information. Jansen does not disclose tracking or reading tag information. McDonald, a currently understood, merely discloses generating an error signal when a tracked location deviates from a predetermined route (see, e.g., claim 1), but does not disclose "compensating for missing information by using a previous tag read and a current tag read" as required by all independent claims. The Examiner suggested during the interview that McDonald discloses the claimed feature, for example at col. 10, ll. 45-49. In this section and in FIG. 13, McDonald describes the process in which the system compares the current list of what tags are in a particular location with a previous list of what tags were in that location. At the completion of this compare function, "the system sets the previous list to the current list (step 1320)" (col. 1, ll. 47-48). Thus, the most current list replaces the previous list in preparation for the next iteration of the method and then repeats this process. Thus, the system in step 1312 consistently compares the most up-to-date information with the second most up-to-date information. McDonald does not deal with missing information. This feature

12

of McDonald at best discloses <u>updating</u> information to the most current location, but does not teach or suggest "<u>compensation</u> for <u>missing information</u> by using a previous tag read and a current tag read" as required by the claims. Thus, McDonald and Jansen also do not disclose or suggest this limitation of the claimed invention.

The deficient disclosures of these references, considered either alone or in combination, thus fail to establish even a *prima facie* basis from which a proper determination of obviousness under 35 U.S.C. § 103(a) can be made, because the references do not teach or suggest all of the claim limitations as detailed above. It is therefore respectfully submitted that claims 1, 17, 33, 36, 39, 42, 45, and 46 are patentably distinguishable over the cited art for at least these reasons.

Dependent claims 2-13, 15-16, 18-29, 31-32, 34-35, 37-38, 40-41, 43-44, and 47-51 variously depend from their respective base claims, which were shown above to be patentable over the cited references. In addition, these claims recite additional limitations that also are not disclosed by the cited references, for example wherein said compensating includes detecting that a missing tag read occurred by learning that a tag read was made on said good at a first location and at a third location, but not at a second location, wherein said good could not arrive at said third location without first passing through said second location; further including an Intransit Data Appliance (IDA) and an Enterprise Server, said Enterprise server coupled to said data center and said IDA coupled to said Enterprise Server to transmit data on the location of a good or conveyance using Global Positioning Satellite (GPS) technology; and wherein said site server is further configured to perform aggregation-by-inference, wherein an aggregation event automatically indicates that said conveyance has been completely filled with items. In addition, claims 49-51 are further limited from claim 1 by the specific recitations of "wherein said compensating comprises compensating for missing information about a good by using aggregation information derived from a previous tag read

13

with and a current tag read to create a missing tag read for the good," "wherein said compensating comprises compensating for missing information about a second location by using location information from a previous tag read at a first location with location information from a current tag read at a third location to create a missing tag read for the good at the second location," and "receiving the missing information subsequent to the compensating; and replacing the compensated information with the missing information."

These aspects of the invention as now variously claimed are not shown or suggested by the cited art, and have not been shown to be old or well known in this art.

Thus, Applicants submit that dependent claims 2-13, 15-16, 18-29, 31-32, and 49-51 are patentably distinct over the cited art, and are now in condition for allowance.

Conclusion

In sum, Applicants respectfully submit that claims 1-13, 15-29, and 31-51, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied) and submit that they are now in condition for allowance.

Applicants invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

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14